

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division - Yeleswaram Mandal, J. Annavaram Village, - Land acquired under Award No.7/89, dated.28.2.89 for YRP - Land value enhanced in O.P.No.142/90 - Appeal filed in A.S.No.857/99- SLP filed and dismissed - Sanction of entire / full decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 506

Date:08 .7.2009

Read the following

1. From the Collector & District Magistrate, East Godavari District, Letter.No. G1/3196/1999, dated. 28.2.2009.
2. From the Spl.Chief Secretary to Govt & CCLA, A.P, Hyderabad, Letter No.SPR3/316/2009, dated.20.5.2009.

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ORDER:-

In the references read above, it has been reported that an extent of Ac.21.85 cts of G.Wet/ G.Dry lands in S.No.445 etc., situated in J. Annavaram village of Yeleswaram Mandal, were acquired under Award No. 7/89 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 28.2.89 duly fixing the land value @ Rs.3,000/- to Rs.21,000/- per acre to different categories of land. At the request of the aggrieved land owner covered with an extent of Ac.4.50 cts, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Senior Civil Judge Court, Peddapuram after considering the reference pronounced decree and judgement in O.P.No.142/90, dated.9.10.98. The Lower Court have enhanced the land value for Rs.50,000/- per acre irrespective of categories. The Hon'ble Court not allowed interest on the enhanced amount of Solatium and Additional Market Value.

2. Aggrieved by the Lower Court Lower Court orders, the State preferred an Appeal against the order and decree dt.9.10.98 in O.P.No.142/90. The Hon'ble High Court in its order dated.7.2.2001 in A.S.No.857/99 allowed the Appeal and by modifying the lower court orders as follows:-

- (a) that the amount of compensation of Rs.55,000/- per acre for category-I wet lands as fixed by the lower court be and hereby is confirmed. (b) that the amount of compensation of Rs.50,000/- per acre for category-II dry-cum-wet lands as fixed by the lower court be and hereby is reduced to Rs.40,000/- per acre. (c) that the amount of compensation of Rs.40,000/- per acre for categories -III to V i.e, dry, grazing and waste lands as fixed by the Lower Court uniformly be and hereby is set aside and fixed at Rs.30,000/- per acre for category III dry lands and at Rs.22,000/- per acre for categories IV and V i.e., grazing and waste lands. (d) the claimants are also entitled to all statutory benefits. Further, the SLP was filed before the Hon'ble Supreme Court of India and the same was disposed on 29.8.2003 in SLP No.7166-7177/03.

3. The Collector & District Magistrate, East Godavari has requested the the Government to sanction and release an amount of Rs.3,65,002/- towards entire decretal amount to comply with the orders of Hon'ble High Court of A.P., Hyderabad in A.S.No.857/1999 filed against O.P.No.142/90. The Spl.Chief Secretary to Government & CCLA, A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

(P.T.O)

4. Government have examined the matter carefully and hereby sanction for an amount of Rs. 3,65,002/- /- (Rupees Three lakhs Sixty Five thousand and Two only) towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.857/1999 filed against O.P.No.142/90., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.142/90, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No. 2309/F.7/(A2)/09-1, dt.23.6.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector,East Godavari, Kakinada.

The Spl.Chief Secretary to Govt & CCLA.,A.P.,Hyderabad.

The Engineer-in-Chief(Irr),Errumanzil,Hyderabad.

The Revenue Divisional Officer,Peddapuram,E.G.Dist.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department

Stock File / Spare copies

In the file C.No.12401/L.A.I(A2)/2009

//FORWARDED : : BY ORDER//

SECTION OFFICER